

FACTSHEET

TITLE: **SPECIAL PERMIT NO. 2017, Maple Village Community Unit Plan**, requested by Brian D. Carstens and Associates on behalf of Mike Moser, for **32** attached single-family units and **3** single-family units, and associated waiver requests, on property generally located southwest of the intersection of Cherrywood Drive and Sycamore Drive.

STAFF RECOMMENDATION: Deferral, **revised to conditional approval on 06/11/03.**

ASSOCIATED REQUEST: Change of Zone No. 3407 (03-109).

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 05/28/03 and 06/11/03
Administrative Action: 06/11/03

RECOMMENDATION: Conditional Approval, with amendments (6-0: Larson, Steward, Carlson, Duvall, Krieser and Schwinn voting 'yes'; Bills-Strand and Taylor absent).

1. This community unit plan and the associated Change of Zone No. 3407 were heard at the same time before the Planning Commission.
2. The original staff recommendation to defer this community unit plan was based upon the "Analysis" as set forth on p.4-6, concluding that the proposal is an appropriate use of land and provides for a good transition of land use at this location. However, the driveway entrance and roadway shown on the associated community unit plan do not comply with design standards. As a result, Public Works and Utilities requested deferral to allow time for issues concerning street alignment and geometrics to be addressed.
3. On May 28, 2003, the applicant requested a two-week deferral to do further research and to work with the adjacent neighbor to the south.
4. At the continued public hearing on June 11, 2003, the staff revised its recommendation from deferral to conditional approval in response to the revisions submitted by the applicant (See Minutes, p.11).
5. On June 11, 2003, the applicant advised that the application has been revised to a total of 35 dwelling units (32 attached single-family and 3 single-family units), as opposed to 36 attached single-family and 1 single-family unit. The applicant requested the following waivers: a) eliminate the preliminary plat process; b) allow the Director of Planning to approve administrative final plats in accordance with the approved CUP; d) rear yard setbacks; e) front yard setbacks; f) average lot width; g) lot area; h) centerline curve radius; and i) private roadway width. The applicant also requested amendments to the conditions of approval. The staff agreed with the proposed amendments, except the deletion of Condition #1.1.2, which requires the extension of Maplewood Court (See Minutes, p.11-12). In addition, the staff suggested adding Condition #1.1.8 that "Lots 23-25 provide the rear yard setback for the R-3 district".
6. There was no testimony in opposition; however, the record consists of one letter in opposition (p.27-28).
7. On June 11, 2003, the Planning Commission agreed with the revised staff recommendation of conditional approval, with the amendments as requested by the applicant and adding Condition #1.1.8 to require the standard rear yard setbacks for Lots 23, 24 and 25 (See Minutes, p.13; also see amended conditions of approval on p.6-8). The Commission granted the applicant's waiver requests (See Condition #2 on p.7-8).
8. The Site Specific conditions of approval required to be completed prior to scheduling this application on the City Council agenda have been satisfied and the revised site plans are attached (p.16-17).

FACTSHEET PREPARED BY: Jean L. Walker

REVIEWED BY:

REFERENCE NUMBER: FS\CC\2003\SP.2017

DATE: July 21, 2003

DATE: July 21, 2003

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for the May 28, 2003 PLANNING COMMISSION MEETING

****As Revised by Planning Commission: 6/11/03****

This is a combined staff report for related items. This report contains a single background and analysis section for all items. However, there are separate conditions provided for the special permit for the CUP.

P.A.S.: Change of Zone #3407 from R-2 to R-3
Special Permit #2017 for a Community Unit Plan for 37 35 Dwelling Units

PROPOSAL: To allow a community unit plan that includes 36 32 attached single-family units and ~~one~~ 3 single-family units.

LOCATION: Southwest of the intersection of Cherrywood and Sycamore Drives.

WAIVER REQUESTS:

1. Eliminate the preliminary plat process.
2. Allow the Director of Planning to approve administrative final plats in accordance with the approved community unit plan.
3. Allow the Director of Planning to approve administrative final plats that include public streets and private roadways.
4. Rear yard setbacks from 22.6' to 20' for all lots, except from 22.6' to 18' for Lot 23, from 22.6' to 10' for Lot 24, and from 22.6' to 7' for Lot 25.
5. Front yard setback on Lots 5, 20, 31 and 32 on the east side from 20' to 5'.
6. Average lot width from 40' to 37'.
7. Lot area from 5,000 to 4,100 square feet.
8. Centerline curve radius from 150' to 110'.
9. Private roadway width from 27' to 24'.

LAND AREA: Approximately 5.6 acres.

CONCLUSION: This request is an appropriate use of land and provides for a good transition of land use at this location. However, the driveway entrance and roadway do not comply with design standards as shown. As a result, Public Works and Utilities is requesting deferral to allow time for issues concerning street alignment and geometrics to be addressed.

RECOMMENDATION:

Change of Zone #3407

Deferral

Special Permit #2017**Deferral, revised to conditional approval on 6/11/03****Waivers:**

- | | | |
|----|---|-----------------|
| 1. | <i>Eliminate the preliminary plat process.</i> | <i>Deferral</i> |
| 2. | <i>Allow the Director of Planning to approve administrative final plats in accordance with the approved community unit plant.</i> | Deferral |
| 3. | Allow the Director of Planning to approve administrative final plats that include public streets and private roadways. | Deferral |
| 4. | Rear yard setback | Deferral |
| 5. | Front yard setback | Deferral |
| 6. | Average lot width | Deferral |
| 7. | Lot area | Deferral |
| 8. | Centerline curve radius | Deferral |
| 9. | Private roadway width to 24'. | Deferral |

GENERAL INFORMATION:**LEGAL DESCRIPTION:** See attached.**EXISTING ZONING:** R-2 Residential **PROPOSED ZONING:** R-3 Residential**EXISTING LAND USE:** Natural Gas Utility Storage Facility**SURROUNDING LAND USE AND ZONING:**

North:	Single-family Residential	R-2
South:	Single-family Residential/Bike Trail	R-1
East:	Single-family Residential	R-2
West:	Multiple-family Residential	R-5

COMPREHENSIVE PLAN SPECIFICATIONS:**Page F15 -Quality of Life Assets**

- Preservation and enhancement of the many quality of life assets within the community continues. For a true "good quality of life," a community has more than jobs, shelter, utilities and roads - there are numerous service, education, historic and cultural resources which are fundamental to enriching lives. The community continues its commitment to neighborhoods. Neighborhoods remain one of Lincoln's great strengths and their conservation is fundamental to this plan. The health of Lincoln's varied neighborhoods and districts depends on implementing appropriate and individualized policies. The Comprehensive Plan is the basis for zoning and land development

decisions. It guides decisions that will maintain the quality and character of the community's established neighborhoods.

Page F18 - Residential Neighborhoods

- Affordable housing should be distributed throughout the region to be near job opportunities and to provide housing choices within every neighborhood.
- Encourage different housing types and choices, including affordable housing throughout each neighborhood for an increasingly diverse population.

Page F25 - This land is designated as urban residential in the Land Use Plan.

Page F66 - Overall Guiding Principles

- Transit, pedestrian, and bicycle networks should maximize access and mobility to provide alternatives and reduce dependence upon the automobile. Sidewalks should be provided on both sides of all streets, or in alternative locations as allowed through design standards or the Community Unit Plan process.

Page F67 - Guiding Principles for New Neighborhoods

- Encourage a mix of housing types, single-family, townhomes, apartments, elderly housing all within one area.
- Pedestrian orientation, shorter block lengths, and sidewalks on both sides of all roads.

Page F71 - Strategies for New and Existing Neighborhoods

- The diversity of architecture, housing types and sizes are central to what makes older neighborhoods great places to live. New construction should continue the architectural variety, but in a manner that is sympathetic with the existing neighborhoods.

Page F87 - Transportation Planning Principles

- A Balanced Transportation System - The concept of balance also applies to methods of transportation. While the system must function well for motor vehicles, it should also establish public transportation, bicycling, and walking as realistic alternatives now and into the future.

Page F91 - Other Areas

- All areas of the community should have safe, secure and reasonably direct pedestrian connections. Activities of daily living should be available within walking distance. Neighborhoods should include homes, stores, workplaces, schools, and places to recreate. Interconnecting streets, trails, and sidewalks should be designed to encourage walking and bicycling, reduce the number and length of automobile trips, and conserve energy.

UTILITIES: All utilities are available to the site.

TOPOGRAPHY: The grade is relatively flat across the site.

TRAFFIC ANALYSIS: The CUP shows one access point for the project off of Cherrywood Drive at the northwest corner of the site. This is shown to be a combined driveway that serves both this project and the apartments to the west.

ANALYSIS:

1. Access to the site is provided by a driveway off of Cherrywood Drive to be shared with the apartment complex to the west, and involves relocating the driveway of the apartment complex. This will require the improvements within the existing apartments to be modified to accommodate this change. The shared driveway is both encouraged and recommended, however, as proposed it does not allow for a sidewalk along the east side of the drive due to the proximity of the adjacent lot. The proposed design also requires waivers to design

standards to allow the water main to run under the pavement, reduce tangent length between horizontal curves, and reduce the centerline radius of a private roadway.

Public Works is recommending that this project be deferred to allow for these issues to be resolved, preferably without waivers, by a re-design of the driveway.

2. A waiver to roadway width from 27' to 24' has been requested. Most of the private roadway system throughout the CUP is actually at 25', but it narrows to 24' near the entrance. Public Works notes in their review that a 27' wide roadway is the design standard and that it should be provided. Minimum roadway standards are established to ensure that reasonable accommodations are provided for vehicular traffic and emergency vehicle access and should be maintained.

It is also noted that turn-arounds are not provided at Maplewood Court or the north end of South 77th Place as required by the Subdivision Ordinance. To enhance traffic flow and to provide a second entrance, Maplewood Court should be extended to connect to the adjacent parking lot in the apartment complex. A turn-around should also be provided at the north end of South 77th Place.

3. The CUP includes ~~36~~ **32** single-family attached units and ~~one~~ **3** detached single-family units (**as revised by the applicant on 6/11/03**). The plan's density calculation indicates that 39 units are allowed. This calculation must be revised downward to accommodate the required 10% reduction per Design Standards and show a maximum density of 35 units. This will require the plan to be revised to show no more than 35 units. With this done, the plan will comply with the density requirements for a CUP in the R-3 district.

It is noted that the previous use on this site was a natural gas storage facility, and the surrounding properties are already developed. Given these circumstances, the proposed CUP is a reasonable use of this site and provides a good transition between the adjacent single-family and multiple-family uses.

4. A waiver to the rear setback for all lots from 22.6' to 20' is requested, except for Lots 23, 23 and 25 where an additional reduction is requested. The request to waive the rear setback for all lots as shown is appropriate given that: the waiver for Lots 26-37 impacts only lots internal to the development; the rear lot line of the perimeter lots, Lots 1-19, is actually setback 10' from the CUP boundary resulting in a standard 30' setback from the neighboring lot's rear lot lines; and, Lots 20-25 are adjacent to the MoPac bike trail, a bike trail corridor that is approximately 175' wide at this point.
5. A setback to the side yard setback is requested for Lots 5, 20, 31 and 32. If allowed, the actual setback from the structure to the back of curb would be in excess of 20' for all four lots, and is appropriate given all the lots are internal to the development and adjacent to a private roadway.

6. The landscape plan shows trees being removed along the south boundary of the CUP which helped provide a buffer between this site and the bike trail. Those trees being removed should be replaced with new ones planted along the south boundary to help preserve the buffer between the trail and the residences.

Additionally, the landscape schedule calls for planting Austrian Pine trees. These trees have recently been removed from the City's Approved Planting Schedule due to disease susceptibility. An alternate species must be substituted in the schedule.

7. Waivers to average lot width and lot area are requested. These waivers are appropriate for this CUP given the proposed layout, and that the average lot area including open space meets the minimum lot area of the R-3 district.
8. One of the trade-offs associated with the higher density allowed in a CUP is the requirement for an outdoor recreation and open space plan. The plan shown does not include an active recreation component and must be revised. It is recommended the open area adjacent to Lot 25 be used for this purpose, and that a sidewalk connection to the open spaces between Lots 35 and 36 be provided.
9. The MoPac Trail is adjacent to the south and is a significant recreation opportunity for this development. A sidewalk connection from the South 77th Street cul-de-sac to the trail should be provided.
10. Other minor changes that must be made to the plan include: the southeast corner of Lot 20 encroaches into Outlot A; the surveyor's certificate must be signed; and, the project will need to use a name other than Maple Village as it has already been used in a previous subdivision.
11. Revisions to the drainage plan must be made, and are noted in the Public Works/Watershed Management review.
12. Fire Prevention did not have an opportunity to see the utility plan during the initial review. That plan is under review and those comments will be forwarded when received.

Staff recommends deferral of this request, however, if action is taken it should be subject to the following conditions:

CONDITIONS:

Special Permit #2017

Site Specific:

1. After the applicant completes the following instructions and submits the documents and plans to the Planning Department and the plans are found to be acceptable, the application will be scheduled on the City Council's agenda:

- 1.1 Revise the site plan to show:
 - 1.1.1 Show a turn-around at the north end of South 77th Street.
 - ~~1.1.2 Maplewood Court extended to connect with the parking lot in the apartment complex. (**Per Planning Commission, at the request of the applicant, 6/11/03**)~~
 - ~~1.1.3 The roadway re-designed to the satisfaction of Public Works. (**Per Planning Commission, at the request of the applicant, 6/11/03**)~~
 - ~~1.1.4 Sidewalks along both sides of Maple Village Drive. (**Per Planning Commission, at the request of the applicant, 6/11/03**)~~
 - 1.1.5 Easements required by the May 9, 2003 LES review, including a blanket utility easement over Outlot A.
 - ~~1.1.6 Extend the sidewalk to the bike trail from South 77th Court. (**Per Planning Commission, at the request of the applicant, 6/11/03**)~~
 - 1.1.7 An outdoor recreation and open space plan approved by the Parks and Recreation Department including a sidewalk connection if required. (**Per Planning Commission, at the request of the applicant, 6/11/03**)
 - 1.1.8 The standard rear yard setback required by the R-3 Residential District for Lots 23, 24 and 25. (**Per Planning Commission, 6/11/03**)
- 1.2 Revise the landscape plan to show:
 - 1.2.1 An alternate species for Austrian Pine as noted in the Parks and Recreation Department's review.
 - 1.2.2 A note that states that all outlot areas to be maintained by the developer or homeowner's association.
 - 1.2.3 The trees shown to be removed along the south part of the site being replaced or re-planted along the south boundary of the CUP.
 - 1.2.4 Planting method and a note that includes standard language concerning landscape material handling and planting being done consistent with City of Lincoln Design Standards.
- 1.3 Revise the grading and drainage plans to the satisfaction of Public Works and Utilities, including Public Works and Utilities/Stormwater Management.

- 1.4 Revise the utility plan to correct deficiencies noted in the review by Fire Prevention, if any are noted.
2. This approval permits a community unit plan for up to 35 dwelling units with waivers to rear yard setback on all lots except Lots 23, 24 and 25, front yard setback on Lots 5, 20, 31 and 32, to the preliminary plat process, to allow the Planning Director to approve final plats consistent with the CUP, to allow the Planning Director to approve final plats that include private roadways, to minimum lot area, ~~and to average lot width, centerline curve radius, and private roadway width from 27' to 24'.~~ **(**Per Planning Commission, at the request of the applicant, 6/11/03**)**

The waiver of the preliminary plat process shall only be effective for a period of ten (10) years from the date of the city's approval, and shall be of no force or effect thereafter. If any final plat on all or a portion of the approved community unit plan is submitted five (5) years or more after the approval of the community unit plan, the city may require that a new community unit plan be submitted, pursuant to all the provisions of section 26.31.015. A new community unit plan may be required if the subdivision ordinance, the design standards, or the required improvements have been amended by the city; and as a result, the community unit plan as originally approved does not comply with the amended rules and regulations.

General:

3. Before receiving building permits:
 - 3.1 The permittee shall have submitted a revised and reproducible **final** plan including 5 copies and the plans are acceptable.
 - 3.2 The construction plans shall comply with the approved plans.
 - 3.3 Final Plats shall be approved by the Planning Director.

Standard:

4. The following conditions are applicable to all requests:
 - 4.1 Before occupying the dwelling units all development and construction shall have been completed in compliance with the approved plans.
 - 4.2 All privately-owned improvements shall be permanently maintained by the owner or an appropriately established homeowners association approved by the City Attorney.
 - 4.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 - 4.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.

- 4.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.

Prepared by:

Brian Will, AICP
Planner

May 15, 2003

OWNER: Aquila
1600 Windhoek Drive/PO Box 83008
Lincoln, NE 68512 (402) 437-1717

**APPLICANT/
CONTACT:** Brian Carstens on behalf of Mike Moser
601 Old Cheney Road Suite C
Lincoln, NE 68512 (402) 434-2424

**CHANGE OF ZONE NO. 3407
and
SPECIAL PERMIT NO. 2017,
MAPLE VILLAGE COMMUNITY UNIT PLAN,**

PUBLIC HEARING BEFORE PLANNING COMMISSION:

May 28, 2003

Members present: Larson, Bills-Strand, Duvall, Carlson, Taylor and Steward; Schwinn and Krieser absent.

Staff recommendation: Deferral.

Ex Parte Communications: None.

Proponents

1. **Brian Carstens** appeared on behalf of **Mike Moser**. Carstens indicated that the applicant had met with Public Works this morning and would request a two-week deferral for further research and to work with the adjacent neighbor to the south.

Carlson moved to defer two weeks, with continued public hearing and administrative action scheduled for June 11, 2003, seconded by Bills-Strand, and carried 6-0: Larson, Bills-Strand, Duvall, Carlson, Taylor and Steward voting 'yes'; Krieser and Schwinn absent.

There was no other testimony.

CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:

June 11, 2003

Members present: Larson, Steward, Carlson, Duvall, Krieser and Schwinn; Bills-Strand and Taylor absent.

Staff recommendation: Deferral

Ex Parte Communications: None

Brian Will of Planning staff submitted proposed amendments to the conditions of approval on the special permit being requested by the applicant.

Proponents

1. **Brian Carstens** appeared on behalf of **Mike Moser** and **John Morehouse**, the developers. Aquila had operated a propane storage facility at this site which is no longer necessary. The proposal is for **35** dwelling units, with private roadways for circulation, public sewer and public water. They are requesting the waiver to allow the 24' private roadway. Mike Moser owns the complex next door but

they do not want to encumber that property again. They will provide sidewalks on the west side. Parks had wanted a connection across the property to the south, but that is not public property. The trees were saved by changing to single family.

Carstens requested to delete Condition #1.1.2 which requires the extension of Maplewood Court into the private apartment complex driveway. They do not want to cross the detention cell and it would bring too much traffic from the apartment complex into this site.

Carstens also requested to delete Condition #1.1.3 They have done many, many duplex projects with 25' roadway. As a compromise, the developer would offer to prohibit parking on the north side of Maple Village Drive, the east side of South 77th and the north side of Maplewood Court.

Carstens also requested to delete Condition #1.1.4 which requires sidewalks on both sides of Maple Village Drive. It would be impossible to shift the roadway over due to utility poles and a garden shed on the property next door. There will be a sidewalk on the west side.

Carstens requested to delete Condition #1.1.6 which requires the extension of a sidewalk to the bike trail from South 77th Court. This would require crossing private property.

Carstens also requested to delete the sidewalk connection from Condition #1.1.7.

Steward inquired whether the developer has explored other possibilities for the trail connection. Carstens advised that that property runs the whole length of this property. That property owner is not interested in an easement or connection on their property.

Carlson was concerned about future ideas to put something that backs up to the trail. Carstens stated there to be just one single family lot and it would not have enough frontage for another dwelling unit.

There was no testimony in opposition.

Staff questions

Schwinn inquired whether the staff is still recommending deferral. Brian Will stated that the staff would revise their recommendation to approval, with conditions. The deferral was based upon concerns over the driveway, the alignment of the roadway and the sidewalks. The staff is opposed to deleting Condition #1.1.2. The staff believes it is feasible and in everyone's interest to make that connection for traffic and pedestrian circulation.

Staff does not object to the deletion of Condition #1.1.6 since the abutting lot along the boundary is separate private ownership.

Staff agrees with the proposed amendment to Condition #1.1.7, which deletes the sidewalk connection with the outdoor recreation plan.

Dennis Bartels of Public Works advised that there is no way to build a private street to meet design standards with a 25' strip of ground. He was concerned about a 24' street with paving 6" from the adjoining property. Public Works could live with the 24' width with no parking.

Steward was surprised by Condition #1.1.2. Why would we mix this development with the parking lot of an apartment complex by requiring that connection? Bartels explained that it has to do with the length of the street system and the desire to have another way in and out. Steward does not think it seems logical. Bartels agreed that it could be confusing.

Carlson inquired about how to accommodate sidewalks on Maple Village Drive on the north. Bartels explained that it is not in keeping with the ownership of the lot within this application. The utility pole could be moved. But it would take a combination of the apartment complex with this complex to effect a design change that would allow the sidewalk to be built or the street widths to be met.

Will had anticipated some unanimous agreement on the motions to amend and the staff recommendation of deferral was in hopes of having consensus. If the Commission wishes to take action today, the staff would be opposed to deleting Condition #1.1.2. Will also suggested adding Condition #1.1.8 that "Lots 23-25 provide the rear yard setback for the R-3 district". Originally, the staff had understood the adjacent property to be public property. Understanding that it is a private property owner, the staff would agree to delete the sidewalk connection, but because this is a rear yard abutting another property owner, the appropriate setback should be maintained, which is 20%. They are currently showing somewhat less than a 7' rear yard setback.

Carlson asked for the staff's rationale for Condition #1.1.2. Will explained that if both properties were not owned by the same person, the staff might not be asking for this. But we do know it is the same property owner and it just makes sense to provide connectivity for pedestrian and vehicular traffic while we have the opportunity. Without it there is only one way in and one way out of this development. It was an opportunity to facilitate access to the area.

Response by the Applicant

With regard to Condition #1.1.2, Carstens advised that when these units are built and sold, the outlots will be turned over to the association and these developers will have no ownership. This proposal is for 35 units. 40 units would be allowed. In addition, they are not exceeding the maximum length of the cul-de-sac.

With regard to the rear yard setback along the trail, Carstens pointed out that the revised site plan shows 12' and it might be possible to get close to 20' on Unit 23. Unit 22 would have to be modified. They would be willing to go to 12' or 15' for the rear yard setback. Schwinn pointed out that the adjacent neighbor could build a building in their rear yard close to the property line.

Carlson inquired about pedestrian motion coming in off of Cherrywood. Carstens advised that there is a sidewalk on the west side of Cherrywood.

CHANGE OF ZONE NO. 3407

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

June 11, 2003

Steward moved approval, seconded by Larson and carried 6-0: Larson, Steward, Carlson, Duvall, Krieser and Schwinn voting 'yes'; Bills-Strand and Taylor absent.

SPECIAL PERMIT NO. 2017

ADMINISTRATIVE ACTION BY PLANNING COMMISSION:

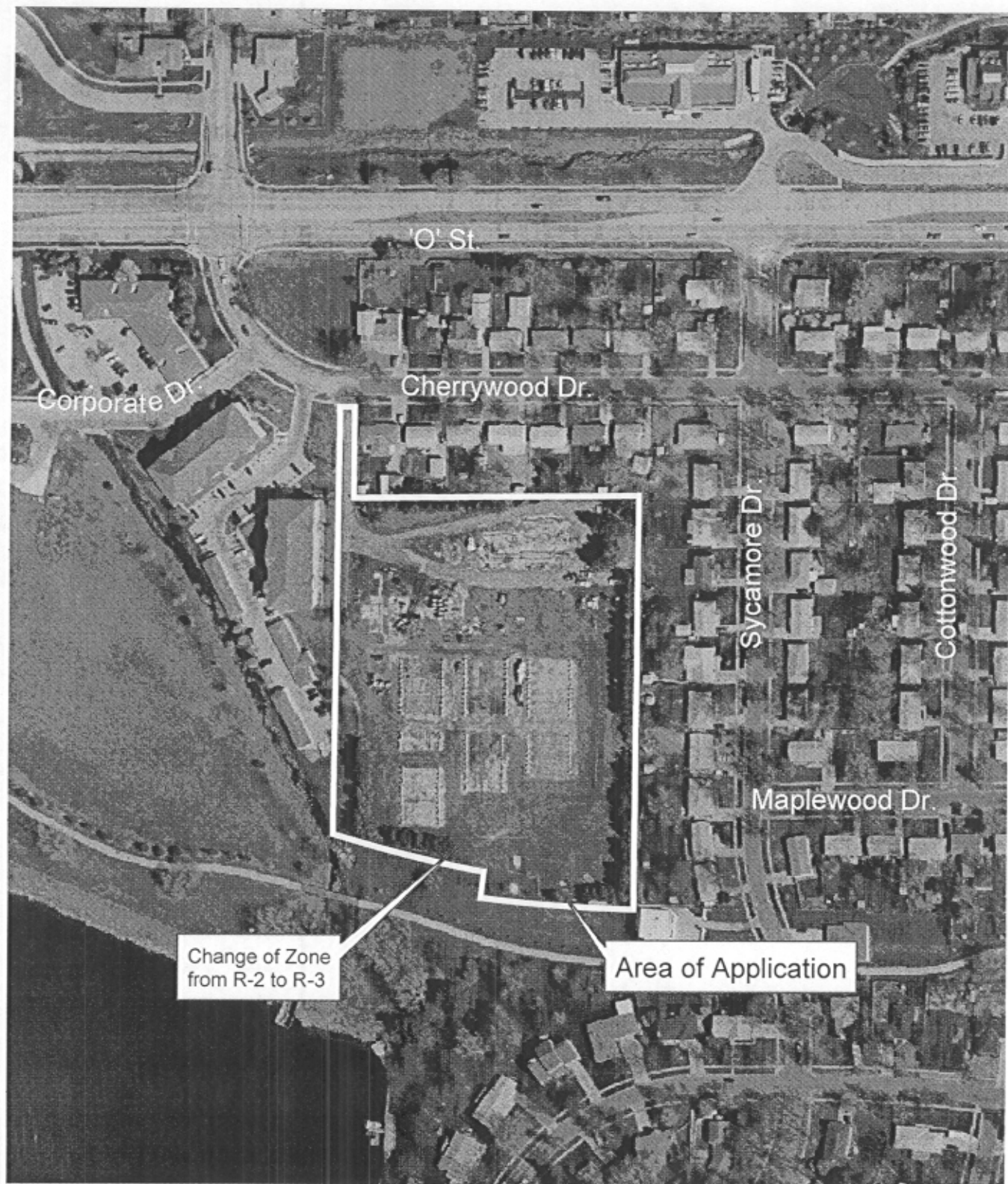
June 11, 2003

Steward moved to approve, with conditions, with amendments as requested by the applicant, plus an additional Condition #1.1.8 to require the standard rear yard setbacks for Lots 23, 24 and 25, seconded by Larson.

Schwinn understands the connectivity issue with staff's recommendation and he believes the developer should seriously consider it. As an aside, two weeks ago he was in Denver and toured two of the cutting edge projects in the country today and he stopped in the University Neighborhood in Denver. They walked that neighborhood and talked to the neighbors and they were all standing in the street. There were no sidewalks anywhere in that neighborhood. He does not think the concern about the pedestrian entry and exit is all that important.

Carlson disagreed with the issue regarding pedestrian motion.

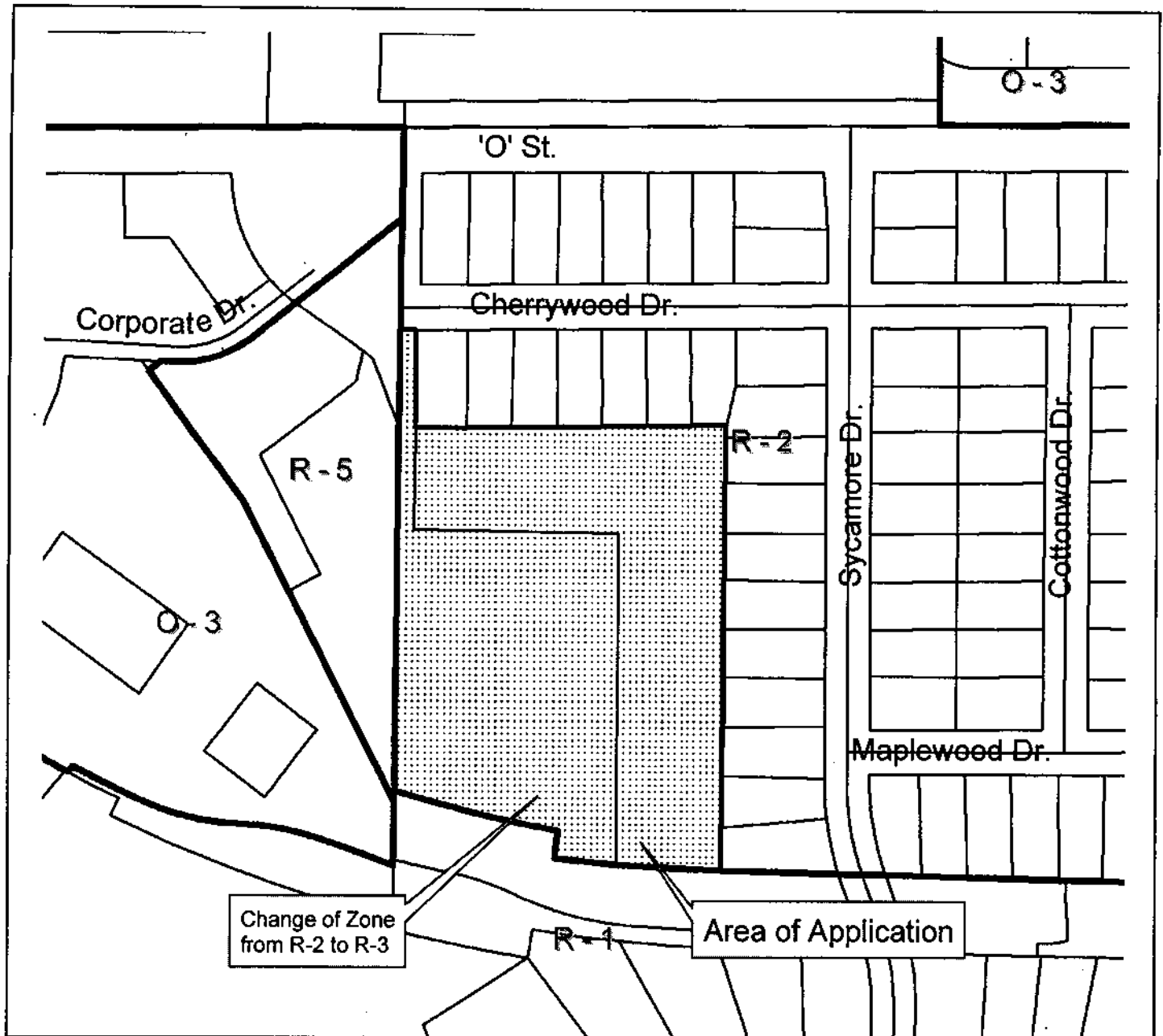
Motion for conditional approval, with amendments, carried 6-0: Larson, Steward, Carlson, Duvall, Krieser and Schwinn voting 'yes'; Bills-Strand and Taylor absent.



**Change of Zone #3407
Special Permit #2017
Cherrywood & Sycamore Dr.
Maple Village CUP**



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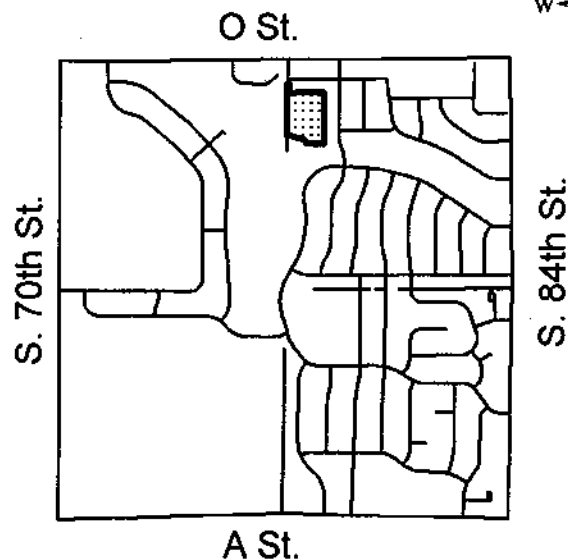
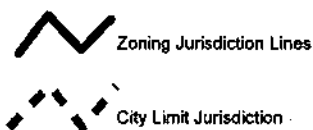


Change of Zone #3407 Special Permit #2017 Cherrywood & Sycamore Dr. Maple Village CUP

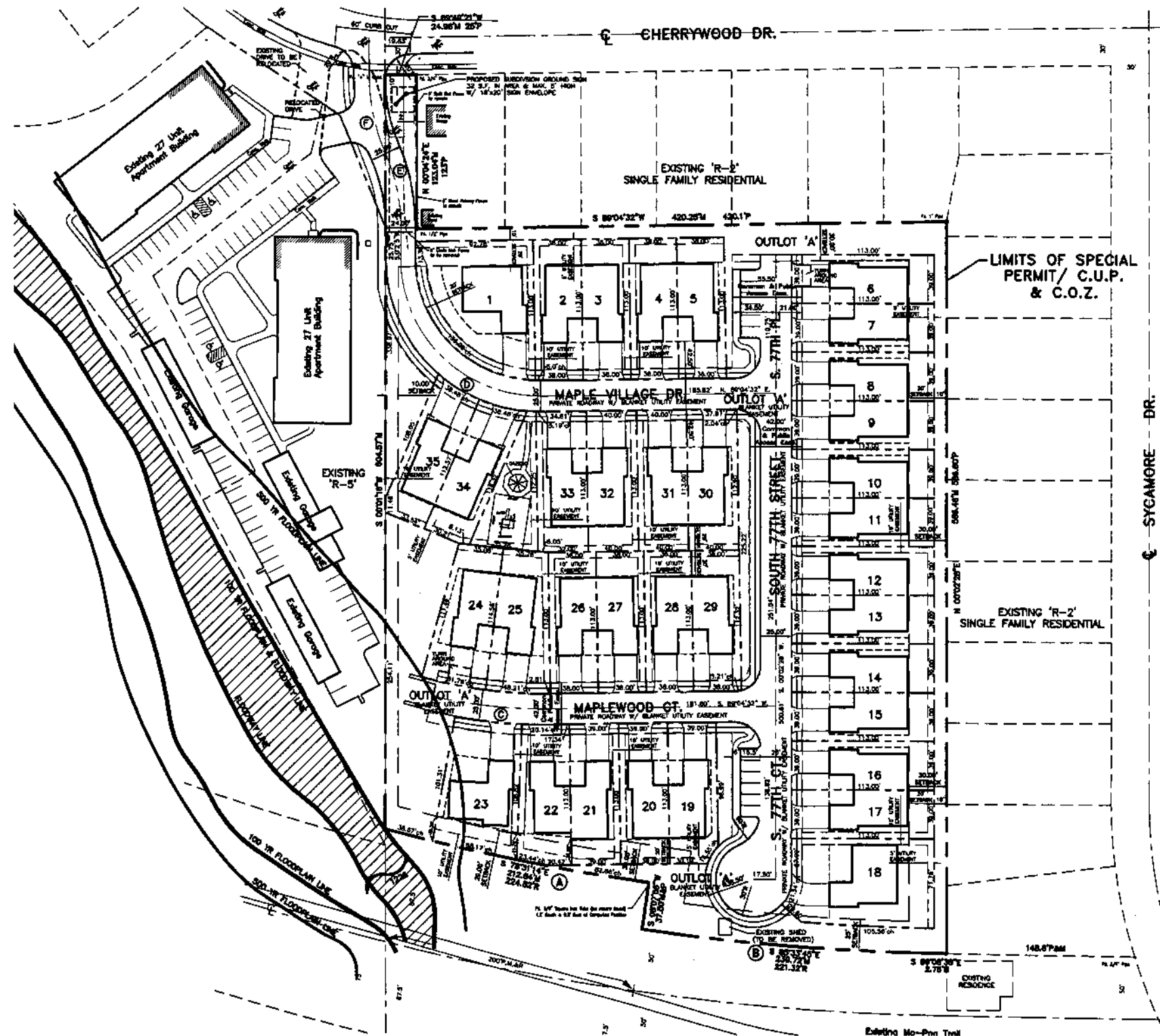
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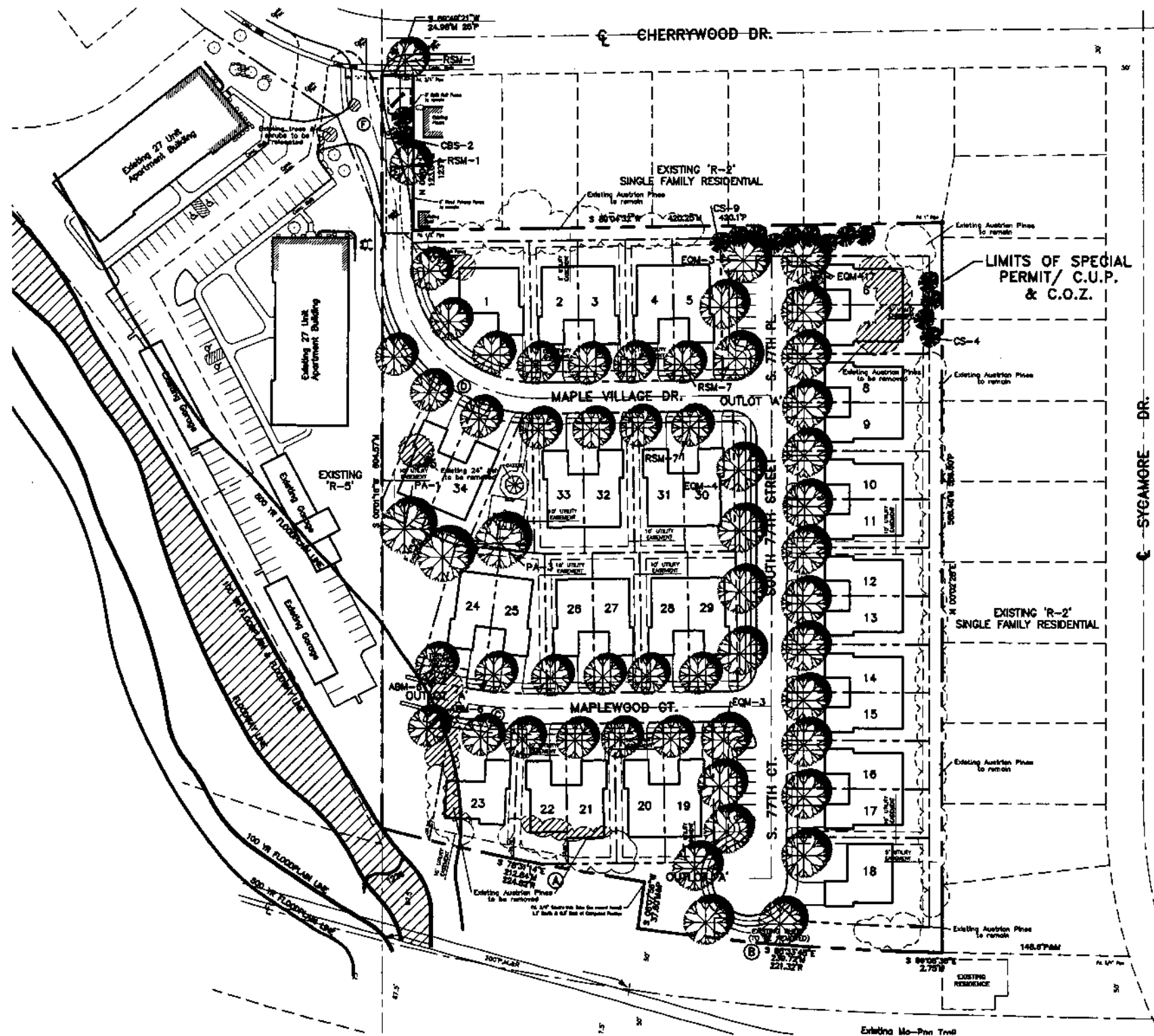
**One Square Mile
Sec. 27 T10N R7E**

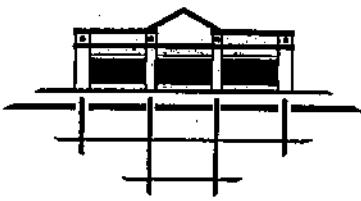
- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District



015







BRIAN D. CARSTENS AND ASSOCIATES
LAND USE PLANNING RESIDENTIAL & COMMERCIAL DESIGN
601 Old Cheney Road, Suite C Lincoln, NE 68512 Phone: 402.434.2424

May 1, 2003

Marvin Krout
Director of Planning
City of Lincoln/ Lancaster County
555 South 10th Street
Lincoln, NE 68508

RE: MAPLE VILLAGE
CHANGE OF ZONE FROM 'R-2' TO 'R-3'
SPECIAL PERMIT/ COMMUNITY UNIT PLAN

Dear Marvin,

On behalf of Mike Moser, we are submitting the above-mentioned change of zone and special permit/ community unit plan for your review. The property is located to the southwest of Cherrywood Drive and Sycamore Drive. Aquila (formerly known as Peoples Natural Gas) currently owns the site, that was a former storage yard / service area with above ground storage tanks. Mike Moser has an 'option' to purchase the property.

The special permit / community unit plan contains 5.6 acres. It is currently zoned 'R-2', with existing 'R-2' single family residences to the north and east, and the Mo-Pac Trail to the south. Existing 'R-5' zoning with 2 apartment buildings are located to the west. We are requesting the change of zone to allow for a transition between the existing single family to the north and east to the existing multi-family apartments to the west.

This project includes 1 single family lot, 36 single family attached lots and 1 outlot. The outlot contains the private roadway and common areas with a gazebo/ patio. Public water and sanitary sewer will be installed along the private roadways.

A storm water detention cell will be located in the southwest corner of the site. It will discharge into an existing drainage ditch to the west. Please note that the adjacent owner of the multi-family units is the Developer of this project.

Please note that we are saving the existing row of mature Austrian Pines along the north and east boundaries of the C.U.P. Additional Austrian Pines will be planted in the areas that have no existing pines. Retaining walls and/ or a split level unit will be planned in the southeast corner of the project to save the existing trees.

As of this submittal, we have the following waivers for you to consider:

- * Preliminary plat requirements to allow the Director of Planning to approve Administrative Final Plats with public streets and/ or private roadways, as per the approved special permit/ community unit plan. This will allow for a stream-lined project and allow for construction to begin sooner.

- * Rear yard setback from 22.6 feet to 20 feet on all lots except the following;
 - Rear yard setback on Lot 23, south side from 22.6 feet to 18 feet.
 - Rear yard setback on Lot 24, south side from 22.6 feet to 10 feet.
 - Rear yard setback on Lot 25, south side from 22.6 feet to 7 feet.

This waiver will still show a minimum of 30' feet from the north and east boundaries along the existing single family homes. The waiver on Lots 23, 24, & 25 are adjacent to the Mo-Pac Trail. The trail is actually 80 feet away from the closest unit.

- * Front yard setbacks on the east side of Lots 5, 20, 31 & 32 from 20 feet to 5 feet. The actual distance from the building envelope to the private roadway back of curb is at least 20 feet.

- * Average lot width from 40 feet to 37 feet.

- * Lot area from 5,000 square feet to 4,100.00 square feet.

These two waivers are typically requested with similar projects, due to the common/ open space

- * Centerline curve radius from 150 feet to 110 feet.

With the small frontage along Cherrywood Drive, and the relocation of the existing apartment driveway that will connect to the proposed private roadway, this centerline radius waiver was the only logical solution to the access issues to the site

- * Private roadway pavement width from 25 feet to 24 feet.

This waiver is only in a small area of the main private roadway entering in off of Cherrywood Drive. The existing 'pan handle' on the lot forces us to a 24 foot private roadway to stay within our property lines.

Please feel free to contact me if you have any further questions.

Sincerely,

Brian D. Carstens

Brian D. Carstens

MLK

ENCLOSURES: 24 copies of sheet 1 of 3
8 copies of sheets 2 & 3 of 3
Application for a Special Permit & Change of Zone
Application fee of \$1,225.00
Certificate of ownership
8-1/2" x 11" reductions
2 copies of the drainage summary

cc: Mike Moser
John Moorehouse

MAPLE VILLAGE

LEGAL DESCRIPTION:

A survey of Outlot A, Maple Village, and Lot 63 Irregular Tract, located in the Northeast Quarter of Section 27 Township 10 North Range 7 East of the Sixth Principal Meridian, Lancaster County, Nebraska. More particularly described by metes and bounds as follows.

Commencing at the North one quarter corner of Section 27 Township 10 North Range 7 East of the Sixth Principal Meridian; Thence South 00-01-36 East (an assumed bearing), on the West line of the Northeast Quarter a distance of 269.69 feet, to the POINT OF BEGINNING; Thence continuing on the Previous bearing of South 00-01-16 East, on said West line a distance of 604.57 feet, to a point of Intersection of said West line, and the North line of the Vacated Missouri Pacific Railroad; Thence on a curve to the Left on the North Right of way line of said Vacated Railroad Right of Way, having a radius of 1822.58 feet, a central angle of 06-41-41, a chord bearing of South 78-31-14 East, and a chord distance of 212.84 feet; Thence South 08-07-56 West, on said Right of Way, a distance of 37.50 feet; Thence on a curve to the Left, on said North Right of Way, having a radius of 1860.08 feet, a central angle of 7-23-22, a chord bearing of South 85-33-45 East, a chord distance of 239.72 feet to the point of tangency; Thence South 89-08-38 East, on said North Right of Way, a distance of 2.75 feet to the Southwest corner of Lot 18 Block 6, Maple Village; Thence North 00-02-28 West, on the West line of Block 6, Maple Village a distance of 586.46 feet, to the Southeast corner of Lot 7, Block 6, Maple Village; Thence South 89-04-32 West, on the South line of Lots 1-7, Block 6, Maple Village, a distance of 420.25 feet, to the Southwest corner of Lot 1, Block 6, said Maple Village; Thence North 00-04-24 East, on the West line of said Lot 1, a distance of 123.04 feet to a point on the Southerly Right of Way of Cherrywood Drive; Thence South 89-49-12 West, on said Southerly Right of Way, a distance of 24.96 feet to the POINT OF BEGINNING, and containing a calculated area of 245,494.01 Square feet or 5.635 Acres more or less.

Memorandum

To: Brian Will, Planning Department
From: Chad Blahak, Public Works and Utilities
Subject: Maple Village
Date: 5/15/03
cc: Randy Hoskins
Devin Biesecker

Engineering Services has reviewed the submitted Maple Villiage CUP/Special Permit, located approximately at Cherrywood Drive and Sycamore Drive, and has the following comments:

Sanitary - Show and label required sanitary sewer easements (minimum 30') for all proposed public sanitary sewer. Also show correct size for the existing sewer in the apartment complex to the west. The existing main is 18" not 8".

Water - Show and label required water main easements (minimum 30') for all proposed public water mains.

The water main south of Cherrywood Drive is located beneath the proposed paving and on the west side of the street, both contrary to design standards.

Grading/Drainage - A significantly larger area is proposed to drain to the northwest than as it exists today. There is no storm sewer proposed to capture any of the drainage to the northwest forcing the runoff into the street system and eventually to East O Street. Public Works recommends that storm sewer inlets be placed at the northwest end of Maple Village Drive and the drainage be piped down the west property line to the proposed detention cell. The detention calculations must be revised accordingly.

is Show the 100yr flood plain and flood way for Dead Mans Run which is adjacent to this plat. Also, it does not appear that consideration was made as to how the outlet structure will function in relation to tail water that will be generated in Dead Mans Run since the outlet shown to be at the flow line of the channel. There is a 54" storm sewer that outlets into the channel upstream of the proposed outlet along with the outlet structure for Wedgewood Lake. The lake structure was not designed to retain additional water before water is released and subsequently there may be little delay in the release of flow from the lake in relation to the proposed project. This situation would cause water from the channel to back up into the proposed detention cell and the cell would not function for detention purposes.

An emergency over flow for the detention cell needs to be shown.

May 15, 2003

Streets - Design standards for private roadways state that a 27' wide roadway is required for all private roads that serve 30 or more parking spaces. All of Maple Village Drive and South 77th Street from Maple Village Drive to Maplewood Court is required to be 27' wide.

on This Maple Village Drive does not meet design standards for minimum tangent length for horizontal curves. A waiver needs to be requested for this exception to design standards. However, Public Works would not support this waiver. As shown the roadway is proposed to run next to an existing lot near the entrance to the development with the curb virtually the property line. This leaves no room for the required sidewalk, fence, or landscaping. is also the reason the water main is forced under the paving and on the opposite side of the street. It appears that the Maple Village Drive can be moved closer to the existing apartment building, away from the existing lot, and the entrance be reconfigured such that waivers for tangent length and curve radius standards are not required.

The proposed private roadway runs onto the adjacent apartment property. This property will need to be included in this special permit to approve the private roadway outside this development.

There are no turnarounds shown at the dead ends of Maplewood Court or 77th Place as per subdivision requirements.

Public Works requests that this project not be scheduled until the issues with the street alignment and geometrics can be addressed and re-reviewed.

General - The information shown on the special permit relating to the public water main system, public sanitary sewer system, and public storm sewer system has been reviewed to determine if the sizing and general method providing service is satisfactory . Design considerations including, but not limited to, location of water main bends around curves and cul-de-sacs, connection of fire hydrants to the public main, temporary fire hydrant location, location and number of sanitary sewer manholes, location and number of storm sewer inlets, location of storm sewer manholes and junction boxes, and th method of connection storm sewer inlets to the main system are not approved with this review. These and all other design considerations can only be approved at the time construction drawings are prepared and approved.

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UTILITIES DEPARTMENT

PUBLIC WORKS AND



MEMORANDUM

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Fr

Sub

May, 13, 2003

Brian Will
Ben Higgins, Chad Blahak, Nicole Fleck-Tooze,
Dennis Hurtz (DNR)

Devin Biesecker

Maple Village

Below are Watershed Management's comments on the Maple Village special permit. Comments are based on a four-sheet plan set and hydrology study stamped May 1, 2003 by the Planning Department.

1. The southwest corner of the property is very close to the 100 year floodplain and floodway of Deadman's Run. To ensure that all floodplain requirements are met include the limits of the floodplain and floodway on the grading plan along with the floodplain cross sections and their elevations.
2. Include a emergency spillway for the detention area. This will allow the flow to enter the stream directly and will minimize risk to adjacent structures, if for some reason the outlet of the detention area becomes blocked.
3. A significant amount of un-detained water leaves the site to the northwest flowing

along Maple Village Drive. The existing storm drain inlets near "O" Street will be insufficient for the amount of flow reaching them. Inlets need to be added on Maple Village Drive and connected to the proposed detention area, to reduce the amount of flow leaving the site to the northwest.

Note: This property is directly below the dam for Wedgewood Lake. The dam is categorized as a high hazard dam by the Nebraska Department of Natural Resources and a copy of the plan for Maple Village has been sent to them for review. At this time The City of Lincoln has no specific restrictions for developments below a high hazard dam, but the developer should be aware that the proposed development may be in the breach area of the dam. If more information is needed on dams and their classifications contact Dennis Hertz, Dam Safety Engineer, Nebraska Department of Natural Resources.

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Memo



To: Brian Will, Planning Department
From: Mark Canney, Parks & Recreation
Date: May 12, 2003
Re: Maple Village SP 2017 CZ 3407

Staff members of the Lincoln Parks and Recreation Department have conducted a plan review of the above-referenced application/proposal and have the following comments:

1. Austrian Pine is not an acceptable tree species by the City of Lincoln due to susceptibility of diplodia. The following substitutions may be used: Colorado Green Spruce, Colorado Blue Spruce, Eastern Red Cedar, Black Hills Spruce, Serbian Spruce or White Fir (Concolor Fir).
2. A note should be included on all landscape plans which states: All outlot areas to be maintained by the developer and or future homeowners association.
3. A neighborhood pedestrian connection should be considered connecting S. 77th street to the Mopac Trail.
4. Please address the requirement of outdoor recreation and open space by including an active recreation component. Consider using a ½ court basketball/playcourt. The end of Maplewood Ct. could serve as possible location.

If you have any additional questions, comments or concerns, please feel free to contact me at 441-8248. Thank you.



INTER-DEPARTMENT COMMUNICATION

DATE May 9, 2003

TO Brian Will, City Planning

FROM Sharon Theobald
(Ext. 7640)

SUBJECT DEDICATED EASEMENTS - CUP/Special Permit
DN#2S-77E

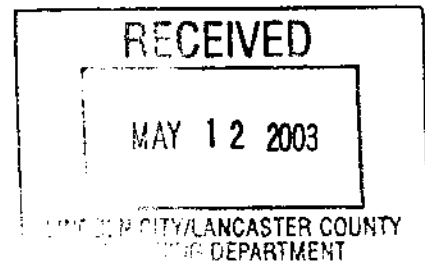
Attached is the Site Plan for Maple Village.

In reviewing the dedicated transmission line or other electrical easements shown on this plat, LES does not warrant, nor accept responsibility for the accuracy of any such dedicated easements.

ALLTEL, Time Warner Cable, and the Lincoln Electric System will require the additional easements marked in red on the map, along with a blanket utility easement over Outlot "A".

It should be noted, any relocation of existing facilities will be at the owner/developer's expense.

Sharon Theobald



ST/ss
Attachment
c: Terry Wiebke
Easement File

(p.43 - Public Hearing - 5/28/03)

cc: Planning Commission
Dennis Bartels
Rick Peo
Brian Carstens

MAPLE VILLAGE
C.U.P./SPECIAL PERMIT

RECEIVED

MAY 21 2003

LINCOLN CITY/LANCASTER COUNTY
PLANNING DEPARTMENT

Re: change of zone no. 3407 and
special permit no. 2017

Comments and statement of concern from:

Richard W. Boehmer
7720 No. Hazelwood Dr.

Parcel Identification no: 17-27-222-003-000

This parcel (irregular shape lot) has a 85 foot frontage and has a 159 foot depth with the back having 128 foot abutment with the trail right-of-way.

My wife, C. Jane, and I have owned and lived at this address for over 17 years. During this time we have experienced tremendous change and growth. We have experienced the loss of the railroad and the implementation of the trail system.

Concerns:

- 1) When we purchased this property - all of this area south of "O" Steet was zoned R1. In reality it still is! Even tho it may be officially zoned R2 - to my knowledge there is only one lot in this entire area that is built as a zoned R2 property.

The zone change as requested is in reality from R1 to R3.
This I think is wrong and do not agree with!

- 2) The proposed units on the unit plan are too compacted with an insufficient setback space. This could become a safety issue and a community issue. Again in reality from R1 to the proposed change to R3. Where is the transition area?
- 3) The proposed private roadway on the unit plan doesn't appear to provide sufficient space for emergency vehicles and fire equipment. Again this could be a safety issue.
- 4) Traffic congestion already exists at the only neighborhood entrance onto "O" Street for west bound traffic. What accommodations will be provided to eliminate this situation? A possible solution would be to "re-open" west bound traffic at Sycamore Drive!
- 5) Reality also tells me that there is insufficient parking for the potential residence. Again a safety issue!
- 6) Since this appears to be a private roadway - what about accidents that occur? Would they be treated the same as happening on private property? Again a safety concern!
- 7) What will happen to the existing pines? Hopefully they can be retained as a buffer area or green space between these properties. The proposed R3 to reality R1!

- 8) What about the existing fence? Will it be retained?
- 9) It appears that there will be much leveling on this property. With there being elevation to the east and south - Will there be a vertical wall placed in these areas?
- 10) Access to the trail. There must not be direct access to the trail!
- 11) From my point of view there appears to be ten to twelve units too many being "shoe horned" into the allotted space.

Thank you for hearing my concerns.

Richard W. Boehmer